

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BENJAMIN ROBERT GALLEGOS,

Plaintiff,

v.

S. SHEPHERD, et al.,

Defendants.

No. 2:24-cv-2262 DAD CKD P

ORDER

Plaintiff is a state prisoner proceeding pro se and seeking relief pursuant to 42 U.S.C. § 1983. On September 13, 2024, the court dismissed plaintiff's complaint with leave to amend. Plaintiff has not filed an amended complaint. On October 29, 2024, plaintiff filed an "addendum" to his original complaint despite the fact that plaintiff was specifically informed:

[T]he court cannot refer to a prior pleading in order to make plaintiff's amended complaint complete. Local Rule 220 requires that an amended complaint be complete in itself without reference to any prior pleading. This is because, as a general rule, an amended complaint supersedes the original complaint. See Loux v. Rhay, 375 F.2d 55, 57 (9th Cir. 1967). Once plaintiff files an amended complaint, the original pleading no longer serves any function in the case. Therefore, in an amended complaint, as in an original complaint, each claim and the involvement of each defendant must be sufficiently alleged.

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Good cause appearing, IT IS HEREBY ORDERED that:

1. The “addendum” filed by plaintiff on October 29, 2024, is stricken.

2. Plaintiff is granted thirty days to file an amended complaint that complies with the requirements of the Civil Rights Act, the Federal Rules of Civil Procedure, the Local Rules of Practice and the court’s September 13, 2024 order. The amended complaint must bear the docket number assigned this case and must be labeled “Amended Complaint.” Failure to file an amended complaint in accordance with this order will result in a recommendation that this action be dismissed.

Dated: November 21, 2024



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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